

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ashton et al.

Application No.: 10/762,439

Confirmation No.: 5180

Filed: January 22, 2004

Art Unit: 1615

For: SUSTAINED RELEASE DEVICE AND
METHOD FOR OCULAR DELIVERY OF
ADRENERGIC AGENTS

Examiner: A. Sasan

RESPONSE TO FINAL ACTION UNDER 37 C.F.R. 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated October 23, 2009, please enter the following remarks.

REMARKS

Claims 1-14, 17-18, and 21 constitute the pending claims in the present application. Claims 4-9 and 11-13 are withdrawn from consideration. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Rejection based on 35 U.S.C. 103(a). Claims 1-3, 10, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5,378,475) in view of Wong (6,331,313) and further in view of Heller (3,811,444). Applicants traverse this rejection to the extent it is maintained over the claims as amended.